



The Regular Meeting of the
BRIAN HEAD TOWN
PLANNING COMMISSION
56 N. Hwy 143, Brian Head, UT 84719
Tuesday, July 20, 2010 @ 1:00 p.m.

Agenda

REGULAR MEETING

1:00 PM

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. DISCLOSURES

D. MINUTES: July 07, 2010

E. REPORTS / PUBLIC INPUT

F. AGENDA ITEMS:

1. INTRODUCTION OF NEW PLANNING COMMISSION MEMBER

Nancy Leigh, Town Recorder, will swear in Larry Freeberg as the new alternate Planning Commission Member. Mac Hatch is now a regular member of the Planning Commission.

2. APPOINTMENT OF PLANNING COMMISSION VICE CHAIRPERSON

**3. INTRODUCTION TO THE HEARING FOR AFFECTED ENTITIES REGARDING
BRIAN HEAD TOWN'S ANNEXATION POLICY PLAN**

Bryce Haderlie, Town Manager, will provide a brief summary of the Annexation Policy Plan and explain the process of the hearing.

4. HEARING FOR THE ANNEXATION POLICY PLAN

The Commission will receive comments from the affected entities in regard to the Annexation Policy Plan. A hearing for the public to make comments will be held August 17, 2010.

5. ANNEXATION POLICY PLAN DISCUSSION

G. ADJOURNMENT

Dated the 16th day of July, 2010

Available to Board Members as per Resolution No. 347 authorizes public bodies, including the Town, to establish written procedures governing the calling and holding of electronic meetings at which one or more members of the public body may participate by means of telephonic or telecommunications conference.

In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should call Brian Head Town Hall @ (435) 677-2029, giving at least 48 hours advance notice.

CERTIFICATE OF POSTING

I hereby certify that I have posted copies of this agenda in three public and conspicuous places within the Town Limits of Brian Head; to wit, Town Hall, Post Office and The Mall this 16th day of June, 2010. I also certify that I have posted a copy of this agenda on the Utah State Public Meeting Notice Website and have caused a copy of this notice to be delivered to the Daily Spectrum.

Wendy Dowland,
Planning Commission Secretary



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Agenda

REGULAR MEETING

1:00 PM

H. CALL TO ORDER

I. PLEDGE OF ALLEGIANCE

J. DISCLOSURES

K. MINUTES: June 15, 2010

L. REPORTS / PUBLIC INPUT

M. AGENDA ITEMS:

1. INTRODUCTION TO PUBLIC HEARING

Bryce Haderlie will provide a brief summary of the Lot Line Vacation application for Brian Head Unit 1, Block D: Lots 14 & 15 and explain the process of the public hearing.

2. PUBLIC HEARING: LOT LINE VACATION

The Commission will receive public comment regarding the Lot Line Vacation application for Brian Head Unit 1, Block D: Lots 14 & 15.

3. LOT LINE VACATION – Clayton Calloway

The Commission will review an application to vacate the lot line between Lot 14 and Lot 15 of Brian Head Unit 1, Block D.

4. BRIAN HEAD TOWN – ANNEXATION POLICY PLAN DRAFT

The Commission will review the Town Annexation Policy Plan draft and determine if the document is ready to move forward into the formal process. The Annexation Policy Plan is required by Utah State Code 10-2-401.5.

N. ADJOURNMENT

Dated the 1st day of July, 2010

Available to Board Members as per Resolution No. 347 authorizes public bodies, including the Town, to establish written procedures governing the calling and holding of electronic meetings at which one or more members of the public body may participate by means of telephonic or telecommunications conference.

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CERTIFICATE OF POSTING

I hereby certify that I have posted copies of this agenda in three public and conspicuous places within the Town Limits of Brian Head; to wit, Town Hall, Post Office and The Mall this 1st day of July, 2010. I also certify that I have posted a copy of this agenda on the Utah State Public Meeting Notice Website and have caused a copy of this notice to be delivered to the Daily Spectrum.

Wendy Dowland,
Planning Commission Secretary



The Regular Meeting of the
BRIAN HEAD TOWN
PLANNING COMMISSION
56 N. Hwy 143, Brian Head, UT 84719
Wednesday, July 07, 2010 @ 1:00 p.m.

Members Present: Troy Katwyk, Doug Deutschlander, Mac Hatch
Members Absent: Betty Phelan, Georg Hartlmaier
Staff Present: Bryce Haderlie, Wendy Dowland, Tom Stratton, Gaylen Matheson, Nancy Leigh, Todd Stowell

A. CALL TO ORDER

Chairperson Katwyk called the regular meeting of the Brian Head Planning Commission to order at 1:07 pm.

B. PLEDGE OF ALLEGIANCE

Chairperson Katwyk led the Commissioners and others in the Pledge of Allegiance.

C. DISCLOSURES

There were no conflicts of interest with today's agenda items. Chairperson Katwyk stated that the disclosure statements are on file at the Town offices and are available for public inspection during normal business hours.

D. MINUTES: June 15, 2010

Motion: Commissioner Hatch moved to approve the June 15, 2010 Planning Commission minutes with a change. Commissioner Deutschlander seconded the motion.
Action: **Motion carried 3-0-0 (summary: Yes = 3 Vote: Yes: Chairperson Katwyk, Commissioner Deutschlander, Commissioner Hatch).**

E. REPORTS / PUBLIC INPUT

Bryce Haderlie, Town Manager, reported that Brian Head had a great 4th of July celebration. Portable toilets were made available and seemed to help. He asked if anyone observed anything that could be improved upon, to let the Town staff know.

Bryce met with Kelly Washburn, who is with the Department of Natural Resources. One of her responsibilities is to oversee Tree City USA. She made some modification suggestions, in order to be more in compliance with the Tree City USA requirements. She is going to review and update Brian Head's native plant list. One thing she did point out was that no water was being brought to the plants. The first few years, the plants need supplemental water. She also stated that some plants were not planted correctly. She will continue to work with Brian Head to help maintain and improve vegetation in the area.

The General Plan will be on next week's Town Council agenda. Some small changes were suggested. The Council packet will be available in Nancy's office, if anyone would like to review the changes.

Tom Stratton is working on the new water tank. There have been concerns with the movement and sliding of the hillside. One wall of the pump house is exposed. This will be brought before the Planning Commission. There is not a lot to do with the infrastructure of the tank. The tank will be underground. A

new well will be drilled out in the meadow. Not knowing if the water is available, the Planning Commission will not be addressed, until the permanent location is known. Bryce was just trying to make Planning Commission aware of the situation.

Gaylen Matheson updated the Commission on the status of The Lofts. One of the last requirements was the landscape and snow removal plan. They are anxious to finish the project. The Lofts will be coming back to the Planning Commission. The 2nd phase is now bank-owned and they are looking for a developer.

Vegetation letters are being sent to the various projects that still need to complete the landscaping. There are a couple of houses that were not finished this past building season and are sliding because the water from last winter's heavy snow was not directed away from the foundations. The owners are working to correct the problem.

Tom Stratton stated that the Trail Crew has been working hard. He suggested that people drive by the Town Park. The pump house now has a very scenic mural. Ryan Gurr has done a great job and it was all painted with spray paint.

Tom also stated that the next road scheduled for slurry seal is Bear Flat Ave. A lot of roads need a lot of work. Bristlecone may get done.

F. AGENDA ITEMS:

1. INTRODUCTION TO PUBLIC HEARING

Bryce Haderlie will provide a brief summary of the Lot Line Vacation application for Brian Head Unit 1, Block D: Lots 14 & 15 and explain the process of the public hearing.

Bryce Haderlie explained that this was a simple lot line vacation. Keith & Jeanne Smith own both lots. There is currently a cabin that was built close to the lot line. By vacating the line, the cabin would be more in compliance with the LMC. The cabin was built before the area was annexed into the Town of Brian Head. The owners are requesting the removal of the line between lots 14 and 15, of Brian Head Unit 1 Block D.

2. PUBLIC HEARING: LOT LINE VACATION

The Commission will receive public comment regarding the Lot Line Vacation application for Brian Head Unit 1, Block D: Lots 14 & 15.

Motion: Commissioner Deutschlander moved to open the Public Hearing. Commissioner Hatch seconded the motion.

Action: **Motion carried 3-0-0 (summary: Yes = 3 Vote: Yes: Chairperson Katwyk, Commissioner Deutschlander, Commissioner Hatch).**

Chairperson Katwyk opened the Public Hearing at 1:21 p.m.

There were no verbal or written comments. Wendy Dowland received one inquiry from the owner of lot 16, but the owners were only concerned if it affected their lot line, which it does not.

The Public Hearing closed at 1:22 p.m.

3. LOT LINE VACATION – Clayton Calloway

The Commission will review an application to vacate the lot line between Lot 14 and Lot 15 of Brian Head Unit 1, Block D.

Clayton Calloway spoke as the owner's representative. He stated that the owners purchased the lots at the same time and would like to build a garage. The cabin does not meet the current setbacks, but is one of the cabins in Brian Head that was built under preexisting conditions.

Commissioner Deutschlander asked if Clayton was granted power of attorney. It was determined that the owner's had signed the application, noting Clayton as their agent. The owners will need to sign the final documents for recording purposes.

Motion: Commissioner Deutschlander moved to vacate the lot line between lots 14 and 15 of Brian Head Unit 1, Block D. Commissioner Hatch seconded the motion.

Action: **Motion carried 3-0-0 (summary: Yes = 3 Vote: Yes:** Chairperson Katwyk, Commissioner Deutschlander, Commissioner Hatch).

4. BRIAN HEAD TOWN – ANNEXATION POLICY PLAN DRAFT

The Commission will review the Town Annexation Policy Plan draft and determine if the document is ready to move forward into the formal process. The Annexation Policy Plan is required by Utah State Code 10-2-401.5.

Chairperson Katwyk stated that the Commission tabled this item at the last meeting.

The following were items of discussion:

Commissioner Deutschlander asked about the designated areas on page one of the Annexation Policy Plan. An additional map was given to the Commission that noted the four areas of anticipated annexation. (See attached map). This map references the section numbers. The map will be included with the document.

The Commission discussed the aspect of elevation and reviewed a-k on page six of the Annexation Policy Plan. It was the consensus of the Planning Commission to eliminate item *h*. from the list. A few grammatical errors were also corrected.

There was a brief discussion of not building on ridgelines and blocking other people's views.

Bryce Haderlie explained that Nancy Leigh has reviewed the state law extensively. A series of public hearings will have to be held. The public hearing for the affected entities will be held July 20, 2010.

Peg Simons approached the Commission and explained that she has been involved in the recently proposed annexation. Some things came to mind that she couldn't find in the document. One of those things is what happens when the Town has a large interest in the annexation. The Town is supposed to be able to financially provide the services to the annexed area out of the taxes that come from the annexed area. When the Town makes up say half of the annexed area, which is the case in the proposed annexation, where does the money come from to provide the services to the large portion of property that is supposed to get the same services as the privately owned land. It doesn't seem to be allowed for. One thing that would be required is fire protection, which would include hydrants. If the roads are in the Town, she guesses that they should be maintained as the roads in the privately owned area. She doesn't see where the money comes from when this is case where the Town has a large ownership. She doesn't think it's happened before. It does in State law say that the annexation area is supposed to be drawn, so as to provide services equitably to all lands that are within the annexation area. This would include the Town property. She wonders how it is allowed for and maybe it's something the Planning Commission should address.

Chairperson Katwyk stated that the he came to the conclusion that the Town is considered the same as any other property owner within an annexation. If the Town decided to run utilities, etc., then the Town as a whole would have to pay into the cost. The Town would not be excluded from paying their portion. He considers the Town, as being every tax payer within the City limits.

Peg Simons concerns are addressed in the State Code.

Todd Stowell pointed out that the document doesn't require the city to provide services. It is a consideration, but it isn't a specific requirement.

Bryce Haderlie stressed that there was no annexation petitions at this time. The Town has decided to be

supportive of an annexation, due to the fact that they own land in the area. There are very strict laws that dictate what the Town can and can't do. The Town doesn't desire to be the two ton gorilla and won't supersede other owners. The Annexation Policy Plan simply lays out areas that may be considered for annexation. The Plan was presented to the Planning Commission a whileago, by Reed Erickson, in order to establish tiers and set parameters.

Todd Stowell stated that from Brian Head's perspective, the document doesn't commit the Town to annex these areas. From the County's perspective, if there is not the intent to annex an area, it's best not to include the area in the Plan.

Today's meeting is simply to clarify any changes and consent to move forward with the public hearings.

The Planning Commission authorized staff to make the grammatical changes and remove *h.* from the document. They also asked that a date be added. The Commission would like the adoption date to show on the bottom of the document. The maps will also be included

G. ADJOURNMENT

Motion: Commissioner Deutschlander moved to adjourn the regular meeting of the Brian Head Planning Commission for July 07, 2010. Commissioner Hatch seconded the motion.

Action: Motion carried 3-0-0 (**summary: Yes= 3 Vote: Yes:** Chairperson Katwyk, Commissioner Hatch, Commissioner Phelan).

The regular meeting of the Brian Head Planning Commission was adjourned at 1:52 p.m. for July 07, 2010.

July 20, 2010

Date Approved

Wendy Dowland, Commission Secretary